

## UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Sukhdev Vaid

Date of Original Judgment: 2/14/2024

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: CR 23-25-M-DWMUSM No: 71033-510\_\_\_\_\_  
Defendant's Attorney**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.  
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part B, subpart 1 of Amendment 821 to the United States Sentencing Guidelines. (See Doc. 72.) Defendant is ineligible.


Part B, subpart 1 provides a two-level offense level decrease for offenders who did not receive any criminal history points under Chapter Four and whose instant offense did not involve specific aggravating factors. See USSG Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for Amendment" (Nov. 1, 2023).

Here, Defendant was sentenced on February 14, 2024, under the 2023 Guidelines Manual, incorporating all guideline amendments. (PSR at 1, ¶ 61.) Defendant was not eligible for the adjustment for certain Zero Point Offenders, promulgated at USSG §4C1.1(b)(6), because his conduct created substantial financial hardship for the victims involved, see USSG §2B1.1, App. Note (4)(F) and USSG §2B1.1(b)(2). Because Defendant is clearly ineligible for a sentence reduction under the retroactive application of Amendment 821, his motion is denied.

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**Order Date: August 27, 2024

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Judge's signature

Donald W. Molloy, District Judge

\_\_\_\_\_  
Printed name and title